

REMARKS

Claims 24-47 are in this application and presented for consideration. New independent claim 24 presents subject matter similar to original claim 1, but more clearly sets forth the important features and aspects of the invention.

New claim 33 includes the subject matter of original claim 10 including all of the limitations of original base claim 1 and original intervening claim 9, which is indicated as allowable in the Office Action. Accordingly, claim 33 should be in allowable form.

New claim 47 includes subject matters substantially similar to claim 24, but presented in a different form and highlights three different positions: a nonoperational position with the pivoting legs closed, an operational position with leg ends resting on the ground, and lowered crosspiece position providing a rocker.

CLAIM OBJECTIONS

Claims 1-2 have been objected to based on informalities. Applicant has canceled claims 1-2 and added new claims 24-25, which are clear and definite and free of the mentioned informalities and include subject matters substantially similar to the original claims 1-2. Applicant wishes to thank the Examiner for the careful reading of the claims and for the helpful comments.

CLAIM REJECTIONS - 35 U.S.C. §112

Claims 3-8 and 20 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant has canceled claims 3-8 and 20, and added new claims 26-31 and 43 corresponding to original claims 3-8 and 20 respectively. New claims 26-31 and 43 clearly and definitely set forth the important features and aspects of the subject matter recited in original claims 3-8 and 20. As such, it is believed that all issues under 35 U. S. C. §112 have been resolved.

ANTICIPATION REJECTIONS - 35 U.S.C. §102

Claims 1-3, 7, 9, and 17 have been rejected as anticipated by Dutton (U.S. Patent No. 685,509). Claims 1-3, 7, 9, and 17-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Dutton (U.S. Patent No. 745,334). Claims 1-3, 7, 9, and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Dutton (U.S. Patent No. 736,709). In addition, claims 1-3, 7, 9, and 17 have been under 35 U.S.C. §102(b) as being anticipated by Lepard (U.S. Patent No. 907,253). These rejections are based on the position that Dutton and Lepard disclose each and every feature as specified and arranged as specified in the claims. Applicant notes that the reference fails to teach each feature as specified in the claims and arranged as specified in the claims.

REJECTION OF CLAIM 1:

Claim 24, which is similar to original claim 1, requires among other things:

"a positioning means ...for positioning each pair of legs and each crosspiece into said non-operational position, into said operational position, and into a lowered crosspieces

position ..."

The positioning means recited in claim 24 is clearly not disclosed in Dutton 685,509, 745,334 and 736,709 and Lepard 907,253. The rocking chairs disclosed in the Dutton and Lepard references do not have positioning means or structure that enable the rocking chairs in Dutton and Lepard to have three different positions: a non-operational position with the legs of the chairs closed, an operational position with the legs of the chairs open, and another position with crosspieces lowered on the ground to provide a rocking position. Dutton and Lepard do not teach three positions, in fact, the chairs disclosed in Dutton and Lepard do not possess a structure that allow the chair frame to be closable in order to be in an non-operational position.

In detail, the chairs of Dutton and Lepard use rocking shoes to provide rocking positions, instead of using positioning means to adjust crosspieces to lowered position in order to provide a rocking position, as recited in claim 24. For example, Figure 1 of Dutton shows a chair in a rocking condition, where the rockers 1 rest on the ground with their central, convex portion, thus enabling rocking motion. When a stationary condition is desired, the rockers 1 are rotated around the hinges 9, so that their rear ends are raised and only their front ends rest on the ground, as shown in Figure 2. Simultaneously, feet 3 hinged at 5 to the rockers 1 are rotated too, in order to constitute rear ground resting elements of the chair together with their free ends. Accordingly, the chairs in Dutton uses a rotating arm to bring one of the rocking shoe's ends to firmly rest on the ground in order to carry out a steady rest on the ground when rocking is not desired. Therefore, both Dutton and Lepard failed to disclose an essential feature recited in claim 24, i.e., a positioning means connected to each of the crosspieces for

positioning each pair of legs into three different positions: a non-operational position, an operational position with leg ends resting on the ground and a rocking position with lowered crosspieces and leg ends raised above the ground.

Further, claim 24 requires, inter alia:

"a first and second pair of pivoting legs ... each of said pair of legs being movable between an open and a closed position ..."

Contrary to claim 24's requirements, the rocking chairs disclosed in Dutton 685,509, Dutton 745,334, Dutton 736,709 and Lepard 907,253 do not have pivotable legs.

The high chair according to claim 24 has a pair of pivotable legs 14, 15 having an upper hanging axis, fixed relative to the frame, having lower ends 19 designed to rest on the ground, and stiffening crosspieces 20 that can be further lowered to project below the lower ends 19 of the legs 14 and 15 in order to rest themselves on the ground instead of the leg ends. In summary, claim 24 requires two pairs of pivoting legs with lower ends resting on the ground in a stable mode and raised above the ground in a rocking mode.

On the contrary, the legs of the chairs disclosed in each of the Dutton references and Lepard reference are *all non-pivoting* legs. In detail, referring to the rocking chair illustrated in the Figures of Dutton 685,509, the chair frame has U-shaped standards 2 with fixed vertical arms 8. Unlike the two pairs of pivoting legs recited in claim 24, this U-shaped standards and fixed vertical arms are not pivotable, nor closable to allow the frame of the chair to be in an open or closed position. Therefore, Dutton and Lepard fail again to teach an essential element as recited in claim 24, i.e., two pairs of "pivoting legs" that are movable between an open and a closed position.

Claim 24 further requires:

"a stiffening crosspiece ... movable between a non-operational position allowing closing of the supporting frame and an operational position in which said crosspiece enables said pair of legs to be held steadily in the open position ..."

However, Dutton and Lepard failed to teach a stiffening crosspiece that enables pivoting legs and a supporting frame to be closed in a non-operational position and to be open in an operational position. The chairs in the Dutton references and the Lepard reference each have a moveable element (rockers 1 in the Dutton patents, rocker 9 in Lepard patent) that functions as a rocking element in the rocking condition, and functions as a steady resting element in the stationary condition. It is the rockers 1 and 9 that keep the chair stable when rocking is not desired.

However, the high chair according to claim 24 has two crosspieces 20 attached to running members moveable along two legs of the frame. The two crosspieces 20 have dual functions: they function as rocking elements in lowered position when rocking is desired, and they function as stiffening elements in raised position when rocking is not desired. In detail, during a stable position, the crosspieces enable the legs of the supporting frame to be held steadily in an open position wherein the crosspieces have a lower surface, together with the lower ends of the pivoting legs, form a ground support of the high chair. In a rocking condition, the crosspieces, together with a moving means located on one pair of the two pairs of legs of the frame support, rest their lower surfaces on the ground in a lowered position to provide a rocker. During the rocking mode, the lower ends of the legs of the supporting frame spaced above the ground.

Apparently, the Dutton references and the Lepard reference fail to teach an essential element, the crosspieces, as recited in claim 24.

Accordingly, both Dutton and Lepard fail to teach and suggest each and every feature arranged as specified in claim 24. Claim 24 is thus not anticipated by Dutton and Lepard.

Likewise, since claims 25, 26, 30, 32, and 40 - 41 corresponding respectively to original claim 2, 3, 7, 9 and 17-18 depend from claim 24, claims 25, 26, 30, 32 and 40-41 are therefore not anticipated by either Dutton or Lepard for the reasons stated above.

OBVIOUSNESS REJECTIONS - 35 U.S.C. § 103

Claims 19-23 have been rejected under 35 U.S. C. §103(a) as being unpatentable over Dutton in view of Robinson (U.S. Patent No. 2001/0026088 A1). Robinson discloses a two speed automatic rocking chair that plays one of six preprogrammed lullaby while it gently rocks a baby to sleep. For the reasons stated above, Dutton fails to teach the structure as claimed in claim 24. Even if combining with the automatic rocking means disclosed by Robinson, a person of ordinary skill in the art is still not provided with a teaching or suggestion to modify the Dutton chair to derive a high chair as claimed in claim 24, i.e., a rocking chair with two pairs of pivoting legs, stiffening and movable crosspieces, and features for moving the pivoting legs to three different positions: operational with legs closed, non-operational with legs open and resting on the ground and a lowered crosspiece rocking position. This rejection fails to consider that the chair disclosed by Dutton does not possess two pairs of pivoting legs, a stiffening crosspiece arranged at each side of the supporting frame, and positioning means located on two of the pivoting legs for moving the pivoting legs between non-operational,

operational and lowered crosspieces positions. The prior art must have some teaching or suggestion which could lead a person of ordinary skill in the art toward the combination claim in an obvious manner. A person of ordinary skill in the art is not given any directions as to the positioning means to provide the three different positions. Thus, the two references lack important teachings and absent teachings or suggestions of providing the arrangement as claimed, the claimed subject matter should be considered novel and unobvious. Therefore, claims 42-46 (corresponding to claims 19-23 respectively) are believed to be in condition for allowance.

OBJECTIONS TO CLAIMS 4-6, 8 AND 10-16

Claims 4-6, 8 and 10-16 have been objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Original claims 4-6 and 8 have been canceled. Applicant has added new claims 27-29 and 31, which includes all features and limitations of respective original claims 4-6 and 8.


Applicant has added new claim 33, which corresponds to original claim 10 and includes all of the limitations of the original base claim 1 and original intervening claim 9. Therefore, new claim 33 is in condition for allowance. New claims 34-39 corresponding to original claims 11-16, depend from new claim 33, therefore, are also believed to be in condition for allowance.

Applicant respectfully requests that the Examiner favorably consider the claims as presented.

Respectfully submitted

for Applicant,

By:



John James McGlew

Registration No. 31,903

McGLEW AND TUTTLE, P.C.

JJM/HYL:jms

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SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

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